

Applicant's undersigned attorney respectfully asserts that all of pending claims 1 - 19 are patentable over the references cited for the following reasons.

### **35 U.S.C. §102(e) Rejection**

The Examiner has rejected claims 1 and 2 as being anticipated by U.S. Patent Number 6,175,785 of Fujisawa et al. ("Fujisawa"). The Examiner asserts that this reference discloses all of the limitations of these claims. The Applicant's undersigned attorney respectfully asserts that the pending claims are not anticipated by Fujisawa for the following reasons.

With respect to independent claim 1, the Examiner asserts in the Office Action that Fujisawa discloses "...a clutch (2) assembly selectively coupled to the generator (5) to selectively augment the reaction torque, thereby cooperating with the generator (5) to control the first speed [of the engine]". The Applicant's undersigned attorney respectfully asserts that Fujisawa **does not** disclose or suggest that the clutch (2) is coupled to the generator (5). A thorough review of Fujisawa leads the undersigned to assert that **in no part of Fujisawa** is there a disclosure or even a suggestion that a clutch assembly is coupled to a generator to control the speed of an engine. As is clearly shown in Figure 1 of Fujisawa, **no portion of clutch 2 is coupled to any portion of the generator 5.** This limitation alone leads the Applicant's undersigned attorney to assert that Fujisawa does not and cannot anticipate claims 1 or 2.

Simply put, the clutch 2 of Fujisawa cannot do what the Examiner asserts. Clutch 2 merely acts as a coupling between the engine and the drive motor 3. Generator 5 is the **only means** employed by Fujisawa to correct/reduce engine speed. (See Fujisawa at column 3, lines 51 - 55). Fujisawa essentially is a means to make sure the transition between electric

drive mode and internal combustion engine drive mode is smooth. (See Fujisawa, Abstract and Summary of Invention). Fujisawa does this by only engaging the clutch 2 when the speeds of the engine coincides with (are equal to) the speeds of the motor. (See Fujisawa at column 1, lines 40 - 44). Fujisawa therefore teaches away from engaging the clutch any time the engine is "over-running" (i.e., going too fast), because it discloses that the clutch should only be engaged when the motor is at the same speed as the engine. In the Examiner's view, the clutch would be engaged to further slow the engine, but Fujisawa specifically discloses that the clutch is only to be engaged when the motor is at the same speed as the engine.

Even *assuming arguendo* that the Examiner meant to say that the motor 3 could operate as a generator and that this generator is coupled to a clutch 5, the Applicant's undersigned attorney asserts that the clutch 5 does not and cannot act to **augment** the reaction torque provided by the generator (motor 3). This is because clutch 2 is between the motor 3 and engine 5 and functions to couple these two components together. Therefore, **motor 3 cannot produce a reaction torque against engine 1 without clutch 2 being activated.** As is clearly claimed in independent claim 1, the clutch assembly augments or adds reaction torque to the generator in order to control the speed.

In other words, clutch 2 is merely a means to connect the engine to the motor 3 and does not provide the claimed limitations. As shown in Fujisawa at column 4, lines 23 - 29 clutch 2 does not provide torque at all. The clutch 2 is only engaged when the speeds of the motor 3 and the engine 1 are equal and that way **no torque is inputted to the engine by the motor 3 through clutch 2** (See Fujisawa at column 4, lines 28, 29). This leads the undersigned to assert that clutch 2 is most like the one way clutch 30 described in the pending Application. This clutch 30 and clutch 2 of Fujisawa merely act as a coupling means that

allows the engine to provide torque to the motor's input shaft, but does not permit motor 3 to provide torque to the engine.

Therefore, it is asserted that Fujisawa does not disclose or suggest the novel limitation of providing a generator which is coupled to an engine that produces a reaction torque to control the engine's speed and a clutch assembly that is coupled to the generator and which augments the reaction torque provided by the generator.

It is therefore respectfully asserted that Fujisawa not disclose or suggest the novel limitations claimed in claims 1 and 2 as Fujisawa does not anticipate a clutch assembly coupled to the generator that acts to augment the generator's reaction force upon an HEV's engine..

### **35 U.S.C. §103(a) Rejections**

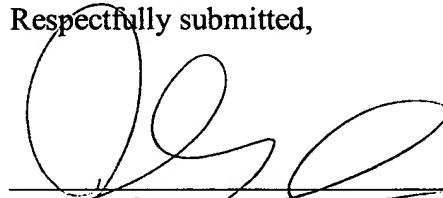
With respect to independent claims 8 and 14 of the pending Application, the Examiner asserts that Fujisawa in combination with U.S. Patent Number 6,054,776 of Sumi ("Sumi") renders these claims obvious. In the Office Action, the Examiner asserts that Fujisawa discloses all of the limitations except for the valve assembly and uses the Sumi reference to overcome this missing element.

The Applicants' undersigned attorney, however, respectfully asserts that neither of the prior art references disclose or suggest that the novel limitation of having a clutch assembly which acts to augment the reaction torque provided by a generator upon an engine. As discussed above and in the Response to Office Action of June 28, 2001, none of the art of reference disclose, suggest, **or even hint at** a clutch assembly which essentially acts as a brake to slow down a generator that receives too much torque from an "over-running" engine.

This important and novel limitation makes that pending Application and its claims clearly distinct from any of the prior art of record.

For all of the reasons indicated above, the Applicant's undersigned attorney asserts that none of these references disclose, suggest, or render obvious any of the pending claims and the pending claims are in condition for allowance. Such allowance is therefore respectfully requested. If the Examiner has any further questions regarding this matter, please feel free to call the Applicant's undersigned attorney at (248) 865-9588.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'John G. Chupa', is written over a horizontal line.

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